

GUTRIDE SAFIER LLP

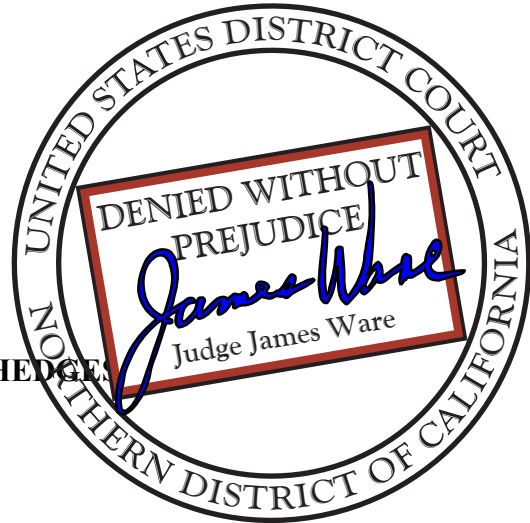
ADAM J. GUTRIDE (State Bar No. 181446)
adam@gutridesafier.com
SETH A. SAFIER (State Bar No. 197427)
835 Douglass Street
seth@gutridesafier.com
L. JAY KUO (State Bar No. 173293)
jay@gutridesafier.com
San Francisco, California 94114
Telephone: (415) 336-6545
Facsimile: (415) 449-6469

Attorneys for Plaintiff

QUINN EMANUEL URQUHART OLIVER & HEDGES

Jeffery D. McFarland (Bar No. 157628)
jeffmcfarland@quinnemanuel.com
Stan Karas (Bar No. 222402)
stankaras@quinnemanuel.com
A.J. Bedel (Bar No. 243603)
ajbedel@quinnemanuel.com
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Defendant ACER AMERICA CORPORATION



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KEVIN EMBRY, an individual, on behalf of
himself, the general public and those similarly
situated

Plaintiff,

v.

ACER AMERICA CORPORATION; AND
DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATION TO CONTINUE CLASS
CERTIFICATION DISCOVERY CUTOFF
AND BRIEFING SCHEDULE**

TO THE COURT:

WHEREAS, the Court has set the following schedule for class certification: discovery cutoff on December 4, 2009; motion due January 18, 2008; opposition due February 1, 2009; reply due February 8, 2009; hearing February 22, 2009.

WHEREAS, Plaintiff served interrogatories and requests for production on August 27, 2009;

WHEREAS, Defendant served objections and responses to the discovery on October 1, 2009, which included agreement to produce certain documents;

WHEREAS, the parties are continuing to meet and confer about Defendants' objections and the scope and timing of production, which has not yet commenced;

WHEREAS, Plaintiff contends that more time is required to resolve the discovery disputes (including, if necessary, motion practice before the Magistrate with possible review by this Court), obtain and review documents, and take depositions;

WHEREAS, the parties also have been discussing the possibility of and structure for settlement and it is possible that a settlement might be reached in advance of a class certification motion; and

WHEREAS, the due date for the motion for class certification is Martin Luther King, Jr. Day, a Court holiday;

NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that, if the Court approves, the dates for class certification, including the discovery cut-off date, should be extended for approximately 90 days, so that the new dates will be as follows:

Discovery Cutoff:	March 5, 2009
Motion Due:	March 22, 2009
Opposition Due:	April 5, 2009
Reply Due:	April 12, 2009
Hearing:	April 26, 2009

///

///

1 IT IS SO STIPULATED.

2 DATED: October 29, 2009

GUTRIDE SAFIER LLP

3
4 By: /s/ Adam Gutride

5 Adam Gutride

Seth A. Safier

6 Attorneys for Plaintiff Kevin Embry

7
8 DATED: October 29, 2009

9 QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

10 By: /s/ Stan Karas

11 Jeffery D. McFarland

12 Stan Karas


A.J. Bedel

13 Attorneys for Defendant Acer America
Corporation

14 *** **ORDER** ***

15 The Stipulation is DENIED because the dates proposed are invalid.

16
17 Date: October 30, 2009


JAMES WARE

18 United States District Judge